

## REMARKS

Claims 1-17, 19, and 20 are pending.

Claims 1-17, 19, and 20 were rejected.

Claim 18 was previously cancelled.

Claims 1, 5, 17, 19 and 20 are amended, herein.

Claims 21-30 are new. No new matter has been added

### Amendment of the Specification

Applicant amends paragraphs 22, 24 and 26 of the application, as published, to correct the references in the specification to match those identified in Figure 2B, for rollers 255A and 255B. The incorrect references were inadvertently provided in the application as-filed through error and without any deceptive intent.

### Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-17, 19, and 20 under 35 U.S.C. § 103(a) over Neukermans, *et al.* (U.S. Patent 6,608,297), in view of Yoshi, *et al.* (U.S. Patent 6,000,867), and further in view of Ara, *et al.* (U.S. Patent 5,889,597).

The rejection is traversed; however Applicant amends claims 1, 5, 17, 19 and 20 to expedite prosecution. Amended claim 1 recites a handheld Multi-Function Peripheral (MFP), comprising:

- a single housing;
- an operation panel at the housing for a user to input a data and a scanning order; and
- a scanning apparatus at least partially in the housing capable of controlling a scanning operation after receiving the scanning order, the scanning apparatus comprising:
  - a scanning channel configured as a passage in the single housing for a to-be-scanned document;
  - wherein the scanning channel and the operation panel respectively lie in substantially parallel planes and substantially overlap one another in a direction substantially perpendicular to the substantially parallel planes.

Neukermans discloses a digital personal organizer 252 including a scanner 100 (see FIG. 5). The Examiner acknowledged at page 4 of the December 18, 2007 Office Action that

Neukermans fails to disclose that a scanning channel and an operation panel respectively lie in substantially parallel planes and substantially overlap one another in a direction substantially perpendicular to the substantially parallel planes. Instead the Examiner cited Ara as reciting these features. Specifically, the Examiner cited the operation buttons 3, status display section 4, outer casing 2, scanning 8, and a paper ejection port 17 of Figures 1 and 2, and as described at column 4 lines 1-5 and lines 15-60.

While the Examiner appears to have identified the operation buttons 3 and status display section 4 of Ara as disclosing the operation panel of claim 1, it is not clear what the Examiner considers to disclose the scanning channel. Applicant assumes that the Examiner intended to identify the paper ejection port 17 as disclosing the scanning channel of claim 1.

Ara discloses a scanner 8 mounted to a printer 1. Applicant would like to first point out that the ejection port 17 is located on the scanner 8, whereas the operation buttons 3 and status display 4 are located on the printer 1, such that it would be impossible for them to lie in substantially parallel planes and substantially overlap one another in a direction substantially perpendicular to the substantially parallel planes, as recited by claim 1. Furthermore, even assuming the Examiner intended to identify the paper ejection port 7 associated with the printer, Applicant points out that the paper ejection port 7 of the printer is not a scanning channel.

For argument's sake, assuming the paper ejection port of the printer could be considered a scanning channel, Figure 1 of Asa clearly shows that the paper ejection port 7 is located to the left of the operational buttons 3 and status display 4 (e.g. the document 6 is shown being fed adjacent the status display 4). Accordingly, neither of the paper ejection ports 7, 17 of the printer 1 or scanner 17 of Ara disclose wherein a scanning channel and an operation panel respectively to lie in substantially parallel planes and substantially overlap one another in a direction substantially perpendicular to the substantially parallel planes. Claim 1 is therefore believed to be allowable.

Claims 2-16, 23 and 24 are believed to be allowable as depending on claim 1 and for the further features recited therein. For example, new claim 23 recites the handheld Multi-Function Peripheral according to claim 1 further comprising two photoelectronic imaging devices located on opposite sides of the scanning channel, wherein the scanning apparatus is capable of concurrently scanning the opposite sides of the to-be-scanned document. None of the

cited references disclose a scanning apparatus capable of concurrently scanning the opposite sides of a to-be-scanned document.

Claim 17 includes features generally similar to the features described above with reference to claim 1. Moreover, claim 17 further recites a scanning apparatus that is capable of scanning concurrently two sides of the to-be-scanned documents. Claim 17 was rejected on the same grounds as provided in the previous office action dated June 21, 2007 despite the Examiner's contention that Applicant's arguments filed on October 22, 2007 were fully considered (see page 12, section 5 of the December 26, 2007 office action). Whereas the Examiner acknowledged at page 10 of the December 26, 2007 Office Action that Neukermans fails to teach the apparatus of claim 17 wherein a scanning apparatus is capable of scanning concurrently two sides of a to-be-scanned document, the Examiner apparently maintains his position that Yoshi discloses these features.

The rejection is again traversed, wherein Applicant takes this opportunity to elaborate on why Applicant respectfully disagrees with the rejection. The Examiner cited column 9 lines 45-53 of Yoshii as disclosing wherein a scanning apparatus is capable of scanning concurrently two sides of a to-be-scanned document. The cited reference states that "The dual sided capturing means 62 controls the mechanical parts of the scanner unit for reading images on both sides of a single sheet of a manuscript in one operation..." Applicant respectfully submits that "one operation" does not disclose "concurrently", and when read in view of the remainder of the Yoshii specification, it is understood that "one operation" instead refers to an operation in which both sides of the manuscript are scanned sequentially.

As applicant previously pointed out to the Examiner, the Yoshi reference discloses a dual side scanner 62, in which both sides of a document are scanned sequentially (see the Abstract, column 7 lines 66 to col. 8 line 2 and various Figures 1-12) by passing the document through the scanner twice. A sequential scanning of a front and reverse side of the document is different than a concurrently scanning of the two sides of the document. For example, sequentially scanning both sides of the document could take twice as long as compared to concurrently scanning.

The embodiments illustrated and described with reference to Figures 1-12 of Yoshii support Applicant's previous position, and are incapable of scanning concurrently two sides of a to-be-scanned document. As succinctly stated in the Abstract of Yoshii, "after the paper has

been temporarily removed from the platen roller due to movement, the paper being returned in the opposite direction... in such a manner that an image on the reverse or the front of the paper is read out.” The control part 3 illustrated in Figure 13 and described in the Examiner’s citation at column 9 lines 45-53 is a component of the system illustrated in figures 1-12 (see Figure 1 including reference number 3 and column 4 lines 48-52). One skilled in the art would appreciate that the dual sensor 62 referred to in Figure 13 refers to the ability of the scanner head 8 to scan both sides of the manuscript, sequentially, as described throughout the specification.

Even assuming for arguments sake that Figure 13 discloses an embodiment separate from Figures 1-12, Yoshii does not provide adequate description to enable one of ordinary skill in the art to determine how the dual sensor 62 would be capable of scanning concurrently two sides of a to-be-scanned document. Applicant respectfully submits that the Examiner is utilizing improper hindsight in reading claim features from Applicant’s claim 17 into the Yoshii reference where those features are not disclosed by, and in fact could not be made operable with, the embodiments provided therein.

For the above reasons, Neukermans and Yoshii, both alone and in combination fail to teach each and every feature of previously presented claim 17. Claims 19-22 are believed to be allowable as depending on claim 17, as well as the further novel features which are recited therein.

Accordingly, withdrawal of the rejection of claims 1-17, 19 and 20 is respectfully requested.

### **New Claims**

Applicant adds new claims 21-30. No new subject matter is added. New claims 21-30 are believed to be allowable for the same or similar reasons as provided above, in addition to the further novel features recited therein.

Any statements made by Examiner that are not addressed by Applicant do not necessarily constitute agreement by the Applicant. In some cases Applicant may have amended or argued the allowability of an independent claim thereby obviating grounds for rejection of the dependent claims.

### **Conclusion**

For the foregoing reasons, reconsideration and allowance of claims 1-17 and 19-30 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

**Customer No. 73552**

Respectfully submitted,

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A handwritten signature in cursive script, reading "Bryan Kirkpatrick", written in black ink.

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